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09/997,298	11/29/2001	Corine A. Bickley	23484-022	4346

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Thomas M. Sullivan, Esq.  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, MA 02111

EXAMINER

VO, HUYEN X

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/997,298	BICKLEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Huyen Vo	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 January 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-54 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant has submitted an amendment filed 1/24/2005, amending claims 1, 6-16, 21-31, 33-50, and 54, while arguing to traverse the art rejection based on a limitation regarding “*a voice activated interface*” (*see amendment*). Applicant’s arguments have been fully considered but they are not persuasive. Ono et al. (US 5909023) do suggest a voice activated interface, that is voice guidance from the server to help improve user services (*col. 10, line 63 to col. 11, line 2*). Furthermore, the newly added feature of a voice-activated interface was not claimed in specific steps of claims, the newly added voice activated interface is considered new matter that requires further consideration and/or additional search.
  
2. Regarding claims 50-54, Ono et al. reference is combined with Linden et al. reference to reject the newly added feature regarding voice activated interface.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-4, 6, 8-9, 14, 16-19, 21, 23, 28-32, 34, 36-39, 41, 43-46, 48, and 50-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Ono et al. (US Patent No. 5909023).

5. Regarding claim 1, Ono et al. disclose a method for providing a user an interface to a voice application, the method comprising: providing a user with an interface to access the application and to invoke any of a plurality of application services (*input unit 222 in figure 1*); selecting an application service from a plurality of services for the user, without the user requesting said application service, as a function of information representative of the user's past access to the application (col. 4, In. 18 to col. 5, In. 67); and providing the selected application service to the user (col. 4, In. 34-57).

6. Regarding claim 16, Ono et al. disclose an apparatus for providing a user an interface to a voice application, the apparatus comprising: a server having a processor and associated memory (*server 210 in figure 2*), wherein the server includes: means for providing a user with voice activated interface to access the application and to invoke any of a plurality of application services (*input unit 222 in figure 1*); means for selecting an application service for the user, without the user requesting the application service, as a function of information representative of the user's past access to the application (col. 4, In. 18 to col. 5, In. 67); and means for providing the selected application service to the user (col. 4, In. 34-57).

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7. Regarding claims 29, 36 and 43, Ono et al. disclose a method, apparatus, and an article manufacturer, comprising a computer readable medium having computer readable program code for providing a user an interface to a voice application, the method, apparatus, and computer readable program code comprising: providing a user with voice activated interface to access the application and to invoke any of a plurality of application services (*input unit 222 in figure 1*); obtaining and storing information about one or more application services invoked by the user (col. 4, ln. 18 to col. 5, ln. 67); analyzing the information about one or more application services invoked by the user to determine a pattern of usage of one or more available application services (col. 4, ln. 18 to col. 5, ln. 67); selecting for the user an application service based upon the pattern of usage (col. 4, ln. 18 to col. 5, ln. 67); and providing the selected application service to the user (col. 4, ln. 34-57).

8. Regarding claims 2-4 and 17-19, Ono et al. further disclose a method and apparatus according to claims 1 and 16, wherein the information representative of the user's past access to the application includes an identifier associated with a service provided by the application (*element 101 in figure 1*), wherein the information representative of the user's past access to the application includes a time that the user requested the service (col. 5, ln. 1 to col. 6, ln. 67), and wherein the information representative of the user's past access to the application includes a date that the user requested the service (col. 5, ln. 1 to col. 6, ln. 67).

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9. Regarding claims 6 and 21, Ono et al. further disclose a method and apparatus according to claims 1 and 16, wherein selecting an application service for the user comprises: determining, for a predetermined number of time periods, a number of times the user selected a particular application service during the predetermined number of time periods (*col. 5, ln. 1 to col. 6, ln. 67*); and selecting the particular application service if the number of times the user selected the particular application service during the predetermined number of time periods is equal to or above a predetermined threshold (*col. 5, ln. 1 to col. 6, ln. 67*).

10. Regarding claims 8-9 and 23, Ono et al. further disclose a method and apparatus according to claims 6 and 21, farther comprising, for each time period, counting more than one occurrence that the user selected the particular application service as only one occurrence (*col. 6, ln. 1-67*), and wherein the selected application service is the application service that the user accessed most frequently during the predetermined number of time periods (*col. 5, ln. 37-67*).

11. Regarding claims 14 and 28, Ono et al. further disclose a method and apparatus according to claims 1 and 16, further comprising: allowing the user modify the information representative of the user's past access to the application (*col. 8, ln. 28 to col. 9, ln. 38, if the user cancel, <sup>to</sup> purchase the presented goods, the purchase interval would be calculated and updated and the same for the case of selected goods*).

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12. Regarding claims 30-32, 37-39, 44, and 46, Ono et al. further disclose a method, apparatus, and computer readable program code according to claims 29, 36 and 43, wherein selecting for the user a particular application service based upon the pattern of usage comprises selecting a particular application service if a frequency with which the user invoked the application service is above a predetermined threshold (*col. 8, ln. 49-67*), wherein the frequency is determined by dividing a number of times that the user invoked the application service during a predetermined number of occurrences of a time period by the predetermined number of occurrences of the time period (*col. 5, ln. 48 to col. 6, ln. 67*), and wherein the time period is within a day (*figures 5 and 8, purchase day column, each day in the column is a day period*).

13. Regarding claims 34, 41, and 48, Ono et al. further disclose a method and apparatus, wherein selecting for the user a particular application service based upon the pattern of usage comprises selecting the particular application if a frequency the user invoked the particular application service is less than a first predetermined threshold and a frequency one or more other users invoked the application service is above a second predetermined threshold (*col. 5, ln. 47 col. 6, ln. 14*).

14. Regarding claim 45, Ono et al. further disclose an article of manufacture, wherein the frequency is determined by dividing a number of times that the user invoked the particular application service during a predetermined time period over one or more days by a number of the one or more days (*col. 6, ln. 1-67*).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden et al. (US Patent No. 6266649) in view of Ono et al. (US Patent No. 5909023).

17. Regarding claim 50, Linden et al. disclose a method for providing a user an interface to a voice application, the method comprising: providing a user with an interface to access the application and to invoke any of a plurality of application services (*internet interface in figure 1*); selecting an application service for the user, without the user requesting said application service, as a function of information representative of other users' past access to the application (col. 5, ln. 57 to col. 6, ln. 13, "*interest of the community of users*"); and providing the selected application service to the user (col. 5, ln. 57 to col. 6, ln. 13, *based on the "interest of the community of users"*, *recommendation is generated*). Linden et al. fail to specifically teach that the user interface is a voice-activated interface. However, Ono et al. suggested a voice-activated interface to help improve user services (col. 10, line 63 to col. 11, line 2).

Since Linden et al. and Ono et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Linden et al. by incorporating the teaching of Ono et al. in order to improve user services.

18. Regarding claims 51-53, Linden et al. disclose a method according to claim 50, wherein the information representative of the other users' past access to the application includes an identifier associated with a service provided by the application (*col. 5, ln. 57 to col. 6, ln. 13, item-item mapping to identify a particular item*), wherein the information representative of the user's past access to the application includes a time that the user requested the service (*col. 7, ln. 20-39*), and wherein the information representative of the other users' past access to the application includes a date that the other users requested the service (*col. 7, ln. 20-39, each user has a profile*).

19. Regarding claim 54, Linden et al. do not disclose a method according to claim 50, wherein the step of selecting an application service for the user comprises: determining, for a predetermined number of time periods, a number of times the user selected a particular application service during the predetermined number of time periods; and selecting the particular application service if the number of times the user selected the particular application service during the predetermined number of time periods is equal to or above a predetermined threshold.

However, Ono et al. teach the steps of determining, for a predetermined number of time periods, a number of times the user selected a particular application service during the predetermined number of time periods (*col. 5, ln. 1 to col. 6, ln. 67*); and selecting the particular application service if the number of times the user selected the particular application service during the predetermined number of time periods is equal to or above a predetermined threshold (*col. 5, ln. 1 to col. 6, ln. 67*).

Since Linden et al. and Ono et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Linden et al. by incorporating the teaching of Ono et al. in order to improve system's accuracy in determining appropriate goods or services for the user.

20. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023) in view of Gardenswartz et al. (US Patent No. 6298330).

21. Regarding claims 5 and 20, Ono et al. fail to disclose a method and apparatus according to claims 1 and 16, wherein the information representative of the user's past access to the application includes a location from which the user requested the service. However, Gardenswartz et al. teach that the information representative of the user's past access to the application includes a location from which the user requested the service (*col. 5, ln. 64 to col. 6, ln. 7*).

Since Ono et al. and Gardenswartz et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Gardenswartz et al. in order to determine appropriate goods or services for the user.

22. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023) in view of Walker et al. (US Patent No. 6298329).

23. Regarding claims 7 and 22, Ono et al. fail to disclose a method and apparatus according to claims 6 and 21, wherein selecting the particular application service comprises selecting the particular application service if a ratio of the number of times the user selected the particular application service during the predetermined number of time periods to the number of times the user could have selected the particular application service during the predetermined number of time periods is equal to or above a predetermined threshold.

However, Walker et al. teach that selecting the application service comprises selecting the particular application service if a ratio of the number of times the user selected the particular application service during the predetermined number of time periods to the number of times the user could have selected the particular application service during the predetermined number of time periods is equal to or above a predetermined threshold (*col. 9, ln. 40 to col. 10, ln. 38*).

Since Ono et al. and Walker et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Walker et al. in order to determine and provide appropriate services for the user.

24. Claims 10-12 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023) in view of Sahni et al. (US Patent No. 5646986).

25. Regarding claims 10-12 and 24-26, Ono et al. fail to disclose a method and apparatus according to claim 6, wherein the time periods include a weekday time period and a weekend time period, and wherein each weekday includes more than one of ~~at~~ <sup>the</sup> weekday time periods and each weekend day includes more than one of the weekend time periods.

However, Sahni et al. teach wherein the time periods include a weekday time period and a weekend time period (*col. 4, ln. 53 to col. 5, ln. 20*), and wherein each <sup>the</sup> weekday includes more than one of ~~at~~ weekday time periods and each weekend day includes more than one of the weekend time periods (*col. 4, ln. 53 to col. 5, ln. 20*).

Since Ono et al. and Sahni et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Sahni et al. in order to determine and provide appropriate services for the user in the future.

26. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023) in view of Fox et al. (US Patent No. 6584447).

27. Regarding claim 13, Ono et al. fail to disclose a method and apparatus according to claim 6, further comprising: ranking each of the time periods by priority such that if a user selected the particular application service at a time within two different time periods and one of the two time periods has a higher priority, a pattern for the one of the two time periods having the greater priority is considered first.

However Fox et al. teach ranking each of the time periods by priority such that if a user selected the particular application service at a time within two different time periods and one of the two time periods has a higher priority, a pattern for the one of the two time periods having the greater priority is considered first (*col. 31, ln. 24 to col. 32, ln. 21*).

Since Ono et al. and Sahni et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Sahni et al. in order to determine and provide the most appropriate service for the user.

28. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023), in view of Sahni et al. (US Patent No. 5646986), as applied to claim 24, and further in view of Fox et al. (US Patent No. 6584447).

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29. Regarding claim 27, Ono et al. further disclose an apparatus according to claim 24, wherein the server further includes: means for determining a plurality of patterns of access to the particular application service based upon the time periods the user selected the particular application service (*by using the user's purchase history*), but fail to specifically disclose ranking each of the time periods by priority such that if a user selected a service at a time within two different time periods and one of the two time periods has a higher priority, a pattern for the one of the two time periods having the greater priority is considered first.

However Fox et al. teach ranking each of the time periods by priority such that if a user selected a service at a time within two different time periods and one of the two time periods has a higher priority, a pattern for the one of the two time periods having the greater priority is considered first (col. 31, ln. 24 to col. 32, ln. 21).

Since the modified Ono et al. and Fox et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Ono et al. by incorporating the teaching of Fox et al. in order to determine and provide the most appropriate service for the user.

30. Claims 35, 42, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023) in view of Kepecs (US Patent No. 6330543).

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31. Regarding claims 35, 42, and 49, Ono et al. do not disclose a method according to claims 29, 36, and 42, wherein selecting for the user a particular application service based upon the pattern of usage comprises selecting an application if a frequency the user invoked the particular application service at a predetermined location cluster is above a predetermined threshold. However, Kepecs teaches the step of selecting for the user a particular application service based upon the pattern of usage comprises selecting an application if a frequency the user invoked the particular application service at a predetermined location cluster is above a predetermined threshold (*col. 13, ln. 10-29, based on the user's history of shopping store at a particular location cluster, discount at stores at that particular location is presented to users*).

Since Ono et al. and Kepecs are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Kepecs in order to send promotional discount advertisers to appropriate users to encourage them to purchase goods.

32. Claims 15, 33, 40, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023) in view of Loghmani et al. (US Patent No. 6377927).

33. Regarding claims 15, 33, 40, and 47, Ono et al. further disclose a method, apparatus, and computer readable program code according to claims 1, 29, 36, and 43,

wherein selecting for the user an application service based upon the pattern of usage comprises selecting an application if a frequency with which the user invoked the application service is more than a first predetermined threshold (*col. 5, ln. 47 col. 6, ln. 14*), but fail to specifically disclose the steps of performing speech recognition on input from the user, determining speech recognition accuracy, and selecting for the user an application service based upon a determined accuracy of a speech recognition of the user is within a predetermined accuracy range. However, Loghmani et al. teach the steps of performing speech recognition on input from the user, determining speech recognition accuracy, and selecting for the user an application service based upon a determined accuracy of speech recognition of the user is within a predetermined accuracy range (*col. 4, ln. 38 to col. 6, ln. 30, and/or refer to figure 11*).

Since Ono et al. and Loghmani et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Loghamani et al. in order to avoid providing incorrect services to the user when speech recognition is incorrect.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cybul et al. (US 6246997) teach an electronic commerce site that is considered pertinent to the claimed invention.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HXV

May 6, 2005

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SUSAN MCFADDEN  
PRIMARY EXAMINER